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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,400	05/31/2001	Seung-Gi Shin	P56380	8279

7590 01/19/2005

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EXAMINER

BUTLER, DENNIS

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/867,400	<b>Applicant(s)</b> SHIN ET AL.	
	<b>Examiner</b> Dennis M. Butler	<b>Art Unit</b> 2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-7, 10, 15-18, 22, 26 and 28-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-7, 10, 15-18, 22, 26, 28-35 and 37 is/are allowed.
- 6) ☒ Claim(s) 36 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

1. This action is in response to the amendment received on November 1, 2004.  
Claims 4-7, 10, 15-18, 22, 26 and 28-38 are pending. Claims 34-38 have been added.
2. The text of those sections of Title 35, US Code not included in this action can be found in a prior Office Action.
3. Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 36 is indefinite because it does not end with a period and the claim is unclear as to whether it is complete.

4. Claim 38 is rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al., U. S. Patent 6,487,656.

Per claim 38:

A) Kim et al teach the following claimed items:

1. a BIOS testing and controlling the computer when power is supplied with figure 6 and at column 10, lines 14-64;
2. a BIOS memory with memory 176 and 124/152/184 of figure 2 and at column 4, lines 9-12;
3. a sound command signal unit provided in said BIOS memory generating a sound command according to a system state (powering on) of the computer with Media Commands unit 250 of figure 2, with elements 340 and 350 of figure 3, at column 6, lines 27-46 and at column 7, lines 28-38;

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4. generating a sound command signal according to a system state of the computer with the command signals generated by Media Commands unit 250 of figure 2, with elements 340 and 350 of figure 3, at column 6, lines 27-46 and at column 7, lines 28-38;
  5. a booting sound memory storing sound data with Media Data 240 of figure 2 and at column 6, lines 31-38 and 47-48;
  6. a booting sound controller outputting the sound data to a speaker according to the sound command signal with Audio Card 168 of figure 2, at column 5, lines 36-57 and at column 6, lines 41-43, 47-48 and 59-65.
5. Claim 38 is rejected under 35 U.S.C. 102(b) as being anticipated by KR 8628/2000 (cited by applicant).

Per claim 38:

A) KR 8628/2000 teaches the following claimed items:

1. a BIOS and BIOS memory testing and controlling the computer when power is supplied with ROM BIOS 13 of the second figure;
2. a sound command signal unit provided in said BIOS memory generating a sound command according to a system state (powering on) of the computer with the unit generating the Melody ROM Control Signal of the second and third figures (the output of element 16 and element S14);
3. a booting sound memory storing sound data with Melody ROM 14 of the second figure;

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4. a booting sound controller outputting the sound data to a speaker according to the sound command signal with Melody Signal and Sound Chip 12 of the second figure.

6. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., U. S. Patent 6,487,656.

Per claim 36:

A) Kim et al teach the following claimed items:

1. storing sound data depending on a system state (powering on) of a computer with Media Data 240 of figure 2 and at column 6, lines 31-38 and 47-48 and with figure 3;
2. detecting the system state when power is supplied to the computer with figure 3 and at column 6, line 66 – column 7, line 9;
3. generating a sound command signal depending on the detected system state with the command signals generated by Media Commands unit 250 of figure 2, with elements 340 and 350 of figure 3, at column 6, lines 27-46 and at column 7, lines 28-38;
4. outputting the sound data according to the sound command signal with Audio Card 168 of figure 2, at column 5, lines 36-57 and at column 6, lines 41-43, 47-48 and 59-65;
5. storing sound data and selecting the sound data according to the system state with media data 240 of figure 2, with sound objects 526 in memory B of

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figure 5A, at column 6, lines 10-11 and 27-38, at column 7, lines 28-38, at column 7, lines 36-38 and at column 8, line 53 – column 9, line 17.

B) The claims seem to differ from Kim et al in that Kim et al fails to explicitly teach deleting the sound data as claimed.

C) However, Kim describes storing sound data as a plurality of objects at column 8, lines 56-60. Kim further describes downloading media data such as banners and generating sound and graphics during the pre-boot period at column 5, lines 1-5. It would have been obvious to one having ordinary skill in the art at the time the invention was made to delete sound data in order to provide for updating the sound data and for managing the sound data by removing unwanted sound data when limited storage space is available. In addition, deletion functions are routinely provided in conjunction with storage functions in computing systems and the teaching of a storage function suggests providing a deletion function for managing the data and storage space.

7. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott Mueller, Upgrading and Repairing PCs.

Per claim 36:

A) Mueller teaches the following claimed items:

1. storing sound data depending on a system state of a computer with the sound data present in the POST that corresponds to the sound data in the table on page 837;

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2. detecting the system state when power is supplied to the computer with the testing performed by the POST as described in the POST and What Is Tested sections on pages 836-837;
  3. generating a sound command signal depending on the detected system state and outputting the sound data according to the sound command signal with the command signals in the POST that cause the audio POST codes and corresponding beeps to be generated;
  4. storing sound data and selecting the sound data according to the system state with the sound data present in the POST that corresponds to the sound data in the table on page 837 and with the command signals in the POST that cause the audio POST codes and corresponding beeps to be selected/generated.
- B) The claims seem to differ from Mueller in that Mueller fails to explicitly teach deleting the sound data as claimed.
- C) However, Mueller describes storing sound data as a table of audio error codes with the sound data present in the POST that corresponds to the sound data in the table on page 837. It would have been obvious to one having ordinary skill in the art at the time the invention was made to delete sound data in order to provide for updating the sound data and for managing the sound data by removing unwanted sound data when limited storage space is available. In addition, deletion functions are routinely provided in conjunction with storage

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functions in computing systems for managing the data and storage space of the system.

8. Claims 4-7, 10, 15-18, 22, 26, 28-35 and 37 are allowable over the art of record for the same reasons as described in the previous office action and because applicant rewrote the objected claims in independent form including all of the limitations of the base claim and any intervening claims.

9. Applicant's arguments filed on November 1, 2004 have been fully considered but they are not persuasive.

In the Remarks, applicant has argued in substance that:

A. The applied references do not teach or suggest a sound command signal unit provided and a basic input output system memory.

B. The present invention is arranged to generate a sound prior to an audio card loaded onto RAM storage area.

10. As to point A, Kim describes that BIOS memory includes multiple memory devices (176, 180 and 184) at column 4, lines 9-12. Kim describes that Media Commands Unit 250 can be located in memory 184 which is part of the BIOS firmware (flash) memory at column 6, lines 27-32. KR 8628/2000 describes a sound command signal unit provided in said BIOS memory generating a sound command according to a system state (powering on) of the computer with the unit generating the Melody ROM Control Signal of the second and third figures (the output of element 16 and element S14). Both references clearly teach a sound command signal unit provided and a basic input output system memory as claimed.



As to point B, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., generating a sound prior to an audio card loaded onto RAM storage area) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In addition, Mueller teaches that it is known to generate a sound prior to an audio card loaded onto RAM storage area.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

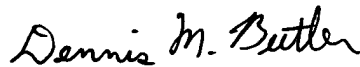
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis M. Butler whose telephone number is 571-272-3663.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Dennis M. Butler  
Primary Examiner  
Art Unit 2115